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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,749	01/17/2002	Gang Huang	HUANG 13-12-6	2534

7590 10/11/2007
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Washington, DC 20036-3307

EXAMINER

NGO, NGUYEN HOANG

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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10/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

TH

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/046,749

Applicant(s)

HUANG ET AL.

Examiner

Nguyen Ngo

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s) _____.
13. ☐ Other: _____.


FIRMIN BACKER
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant submits that Haartsen fails to disclose a home network. Applicant further states that Haartsen simply is directed towards a long range communications between a transmitter and a receiver. Examiner thus correlates this to a home network, as a network is simply a connection of nodes, points, or locations connected by means of data, voice, and video communication for the purpose of exchange and the transmitter of Haartsen to correlate to a home network device. It should further be noted that Haartsen discloses that the invention provides a method and system for providing equalizer training in communication systems (home network, page 3 [0031]). It should further be noted that in response to applicant's arguments, the recitation home network has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hiraio*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Applicant further submits that Haartsen fails to disclose a station ID parameter and that Haartsen relies on a single transmitter and thus would not require an ID parameter to identify itself from other transmitter. However it should be noted that Haartsen discloses that wireless communication systems have been used to convey a variety of information between multiple locations (page 1 [0001]) and that those the embodiments as seen in Haartsen are merely illustrative and that other embodiments are possible (page 5 [0050]). Thus as stated in the Office Action, Haartsen discloses of a transmitter and a receiver of a transmission system, and provides the motivation of training a radio receiver according to a training sequence dependent on a specified transmitter to produce successful communication between the transmitter and the receiver. Haartsen further discloses that the invention relates to radio communications for training an equalizer in a radio receiver (page 1 [0001]). It is well known in the art that radio communications not only incorporates a single transmitter and a single receiver, but also covers a plurality of transmitter and receivers. Haartsen's simply uses the concept of a single transmitter to receiver to illustrate the method of training a radio receiver in a simple and easy way. Examiner thus relies on Chan to disclose the concept of a station ID parameter with a plurality of transmitters. It should further be noted that the Applicant states that Haartsen's invention can conceivably be applied to a plurality of transmitters and receivers (remarks page 9).

Applicant further submits that the combination of Haartsen and Chan fails to disclose the limitation of determining one or more training values associated with data packets on a packet-by-packet basis. Examiner however disagrees. Examiner relies on Haartsen to disclose the concept of training a radio receiver using a header and corresponding flag to identify a corresponding reference training sequence (abstract) and that the flag provides an indication to the receiver to aid the receiver in selecting a corresponding reference training sequence, page 4 [0041]). Examiner thus correlates this to determining one or more training values associated with data packets on a packet-by packet bases. Examiner simply uses Chan to disclose the concept of a station ID parameter representing a plurality of transmitters having different transmission characteristics on a packet-by-packet basis. It should be noted that each packet that is sent from transmitter to receiver would have different transmission characteristics on packet-by-packet basis due to the fact that the transmitters are different and located differently.